

1830.
CHAP. 153.

Proviso.

State entitled
to subscribe

the rail road from the city of Baltimore to the Ohio River, and be subject to the same conditions and restrictions, except where otherwise provided by this act; *Provided always*, that no timber shall be cut on any land other than the bed of the said rail road, by order of the said company, or taken by them for the use of the said road, without the consent of the owner.

Sec. 2. *And be it enacted*, That the state of Maryland shall be entitled and have the option, at any time before, or within two years after the said rail road shall have been completed and in actual use, to subscribe for and receive stock of the said Baltimore and Ohio Rail Road Company, to the amount of the whole or any part of the cost, including interest actually paid, and incidental expenses, which shall be incurred by the said company in the extension and construction of the rail road authorised by this act; and the president and directors of the said company are hereby authorised and required, to admit of such subscription, as an increase of the stock of the said company, to the amount which the state, in the exercise of the option and right so reserved, shall elect to take; and the exercise of such right and option shall be in such manner, and by such agent, as the general assembly shall provide; or the state of Maryland shall have the further right and option, to be exercised within the time and in the manner aforesaid, to take and hold, as a separate and distinct stock, any part of the amount of funds which shall be necessarily used in the construction of the rail road aforesaid, not exceeding five-eighths of the whole cost of the said road; and to receive a due proportion of the nett profits which shall be derived from the travelling and transportation on, and other use of the rail road so authorised to be extended and constructed by this act; and on the subscription by the state for the whole, or any part of the amount of the cost of the said rail road, or electing to take and hold a part of the same as a distinct and separate stock, as above provided, the state shall pay for the same to the Baltimore and Ohio Rail Road Company aforesaid, in money, or in stock of the state, bearing interest at the rate of four and a half per centum per annum, to the amount of the stock subscribed for or elected to be taken by the state pursuant to this act, in such way as the legislature shall provide.

Rates

Sec. 3. *And be it enacted*, That the Baltimore and Ohio Rail Road Company shall be entitled to charge and take, as a compensation for the use of the rail road, which they are authorised to construct by this act, and for the conveyance of passengers and transportation of property thereon, at and not exceeding the following rates and amounts, to wit: For